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NOV - 9 2007
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. Johnny HERRERA Defendant.	Magistrate Case No. '07 MJ 8917 COMPLAINT FOR VIOLATION OF 21 U.S.C. § 952 and 960 Importation of a Controlled Substance (Felony)

The undersigned complainant being duly sworn states:

On or about November 8, 2007, within the Southern District of California, defendant Johnny HERRERA did knowingly and intentionally import approximately 12.48 kilograms (27.45 pounds) of cocaine, a Schedule II Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.

Douglas A. Struckmeyer
Special Agent
U.S. Immigration & Customs Enforcement

SWORN TO, BEFORE ME, AND SUBSCRIBED IN MY PRESENCE THIS 9th DAY OF NOVEMBER, 2007.

Peter C. Lewis
U.S. MAGISTRATE JUDGE

UNITED STATES OF AMERICA
v.
Johnny HERRERA

STATEMENT OF FACTS

This complaint is based upon the personal observations, investigation and information provided to U.S. Immigration and Customs Enforcement Special Agent Douglas Struckmeyer.

On November 8, 2007, Johnny HERRERA entered the United States at the Calexico, California East Port of Entry. HERRERA was the driver and sole occupant of a 2006 Ford 500 passenger car registered in his name. Customs and Border Protection Officer (CBPO) A. Tolentino took a negative Customs declaration from HERRERA. CBPO Tolentino noticed that HERRERA had an address in Chula Vista, California and normally crossed through San Diego area Ports of Entry. CBPO Tolentino referred HERRERA to secondary for further inspection.

CBPO Chong encountered the vehicle in the secondary inspection area and also received a negative declaration from HERRERA. CBPO Chong requested that Canine Enforcement Officer (CEO) Alba have his Narcotic Detector Dog (NDD) sweep the vehicle. The NDD alerted to the presence of an odor of a controlled substance near the rocker panels of the vehicle. When HERRERA saw the NDD alert he began to run south toward Mexico. CBPO M. Almaghraby was in the area at the time. CBPOs Almaghraby and Chong tackled HERRERA and placed him in handcuffs.

A further search of the vehicle resulted in the discovery of 11 packages wrapped in clear cellophane with powdered soap. The packages were discovered in the right and left rocker panels of the vehicle. The packages contained a white powder which field-tested positive for cocaine by CEO Alba. The total weight of the packages was 12.48 kilograms. CBPO Chong informed HERRERA that he was under arrest for the importation of a controlled substance. HERRERA spontaneously replied that he was, "...only bringing bud." This statement was made before HERRERA was informed that the controlled substance was cocaine.

Special Agent (S/A) Douglas Struckmeyer interviewed HERRERA. S/A Struckmeyer furnished HERRERA with his constitutional rights per Miranda in English with S/A Tom Behm present. HERRERA orally waived his rights, as well as signing the written waiver of rights, agreeing to make a statement.

HERRERA stated that he knew the vehicle contained a controlled substance. He said that he altered the vehicle in order to transport the controlled substance, he helped load the controlled substance into the vehicle, and that he was going to be paid $5,500 for smuggling the contraband into the United States.

HERRERA was arrested by ICE Agents for violations of 21 USC 952 and 960, Importation of Cocaine. HERRERA was booked into the Imperial County Jail, El Centro, California, pending an appearance in U.S. Magistrate Court.